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Document 2.3 LLNL Exemption Process

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* Minor revision

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LLNL Exemption Process

1.0 Introduction

Laboratory operations are designed to comply with Contract 48 requirements; LLNL internal policies, procedures, and standards; federal, state, and local regulations; and other Work Smart Standards (WSS). However, there may be occasions when a specific work activity or facility requires a deviation from these established requirements. In those cases, organizations shall request and obtain the written authority to deviate from the requirements. For the purposes of this document, this written authority is called an exemption.

This document describes the process for requesting an exemption from the WSS or other requirements for unique situations that may occur in a work activity or facility. These exemptions are not changes to the WSS set. Revisions to the WSS set are managed through the Change Control Board.

Note: After determining that compliance with a requirement is not feasible, personnel shall explore alternatives with their ES&H Team before requesting an exemption.

An exemption does not override a requirement, but rather provides a mechanism to allow the use of an alternative approach that will meet established requirements and provide adequate protection for LLNL employees, the public, and the environment. An exemption may become permanent when the proper authority determines that it does not require review and renewal. The review accompanying an exemption request may also identify a need to make a change in the WSS.

An exemption from an internal LLNL requirement that is not part of Contract 48 (i.e., a requirement specified in the *ES&H Manual* that is not required by an outside source) does not require CCB approval, but the exemption from LLNL requirements must be explicit in the Work Authorization Level (WAL) B or C documentation and to assure that the reviewers and approvers are cognizant of the exemption being taken. The requesting organization notifies the ES&H Team of the need for an exemption, which is then evaluated by the subject-matter expert (SME). The ES&H Team notifies the requesting organization of their support (or non-support) of the proposed exemption. The Associate Director of the requesting organization then determines whether or not to proceed with the exemption.

Because the process for preparing and approving Safety Plans is discussed in Document 3.3, "Facility Safety Plans and Integration Work Sheets with Safety Plans,"

in the *ES&H Manual*, the approval process for internal exemptions is not discussed further in this document.

The remainder of this document outlines the different processes for exemptions to WSS requirements:

- Exemptions from local, state, or federal regulations, for which the agency with authority has developed an exemption process (see Section 2.0).
- Exemptions from non-regulatory requirements that have their own established "special exemption processes" (see Section 3.0).
- Exemptions from DOE orders and consensus standard requirements without a pre-established exemption process (see Section 4.0).

When considering an exemption for approval, one or more of the following conditions needs to be present:

- The resource allocation (i.e., time, dollars, quality, engineering capability, etc.) that is required to satisfy the requirement or standard is out of proportion to the benefits expected.
- The standard is inappropriate to a specific activity or set of activities.
- Implementation of the standard could result in decreased safety to a specific activity or set of activities.
- The standard is outdated and an alternative method preferred while the WSS is being changed.
- Adequate ES&H protections are provided by other means.

Figure 1 depicts the basic process for pursuing an exemption. The review process for all exemptions as a minimum shall include the appropriate Work Smart Standards subject-matter expert (WSS SME).

2.0 Exemptions from Local, State, or Federal Regulations

Sometimes an exemption is sought to a local, state, or federal regulation. This is done by the ES&H organization (i.e., the cognizant group) at the direction of the management chain responsible for the work being exempted (i.e., the authorizing organization.) For example, most contacts with regulatory agencies for environmental issues are made by the Environmental Protection Department. In such cases, the regulatory agency specifies the process to be followed for obtaining an exemption.

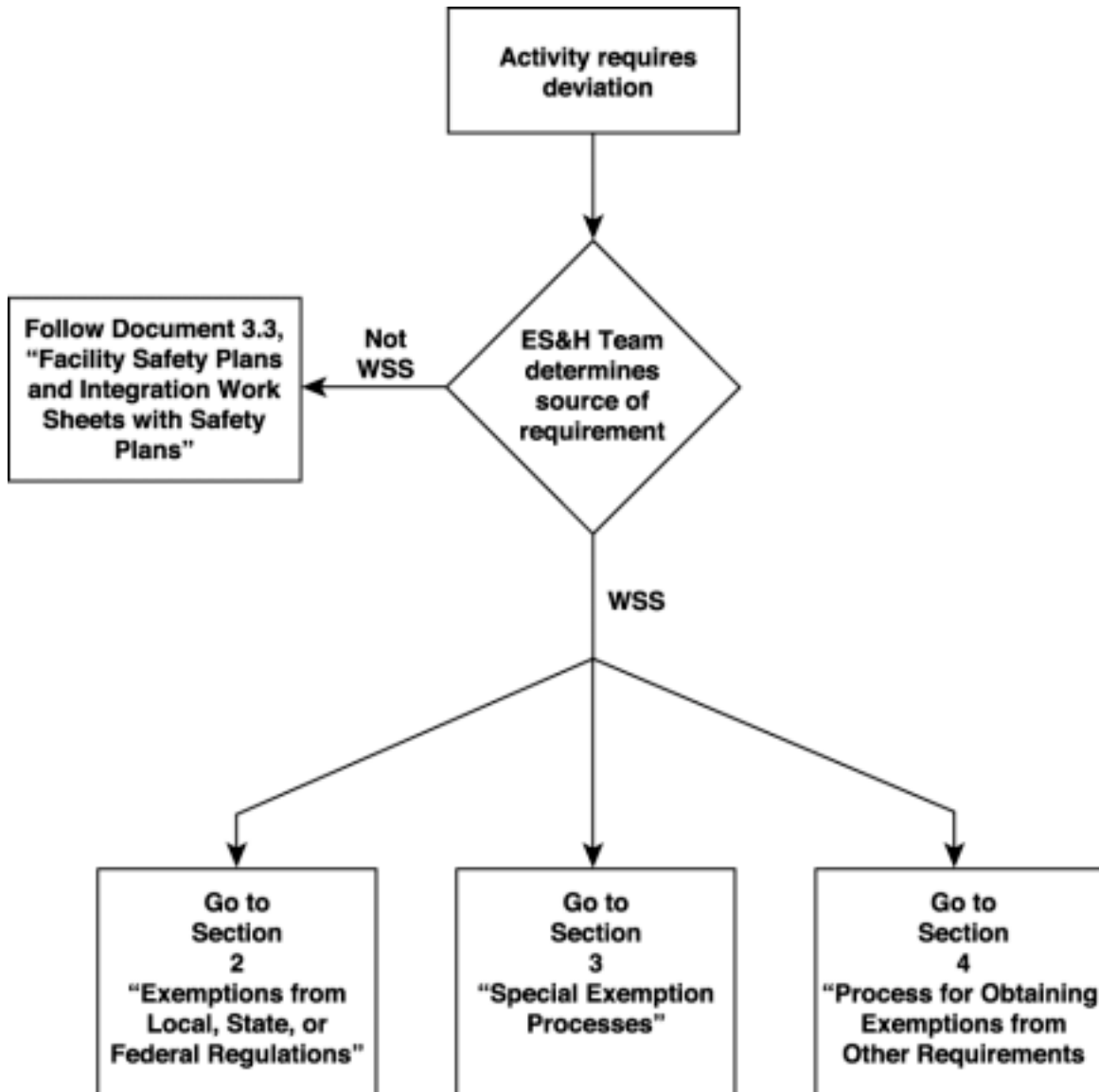


Figure 1. Exemption initiation process.

The recipient of the original decision letter from the responsible agency shall distribute a copy of that letter to his/her department head. The recipient retains the original copy or may transfer the letter to his/her department office for retention. The Department Head ensures the WSS SME and the affected organizations, including the authorizing organization's AD, receive copies of the decision letter.

For exemptions with no impact on health, safety, or the environment, the subject-matter expert and the authorizing organization's representative may work directly with the regulatory agency.

The subject-matter expert files a copy of all approved or denied exemptions in the department files and closes out the item on a record, indicating whether the exemption has been approved or denied.

3.0 Special Exemption Processes

The *ES&H Manual* provides alternative exemption methods or processes for special internal operations. In these situations, follow the specific exemption process in the applicable section or part. Some of these situations are identified below. Contact your ES&H Team for more information.

- Explosives waivers shall be processed in accordance with Document 17.1, "Explosives," in the *ES&H Manual*. Exemption requests shall be processed in accordance with DOE M 440.1-1, Chapter I, Section 3.0.
- Electrical exemption requests shall be processed in accordance with Document 16.3, "LLNL Authority Having Jurisdiction Requirements for Approving Electrical Equipment, Installations and Work" in the *ES&H Manual*.

The subject-matter expert files a copy of all approved or denied exemptions in the department files and closes out the item on a record, indicating whether the exemption has been approved or denied.

4.0 Process for Obtaining Exemptions from Other Requirements

The process for obtaining an exemption from a WSS requirement in Contract 48 (and not addressed in Sections 2.0 or 3.0), such as DOE orders and consensus standards is described below. The flow chart in Figure 2 illustrates the typical process.

4.1 Preparation of the Exemption Request

The authorizing organization prepares the exemption request. (The authorizing organization should involve an individual from the appropriate ES&H discipline in the preparation of the exemption request.) The authorizing organization conducts its own internal review and approval of the request. At a minimum, a request for an exemption shall include the following information:

- The area, building, or operation involved.
- Specific standard or requirement that makes the exemption necessary.
- A description of the condition, process, or activity that needs an exemption.

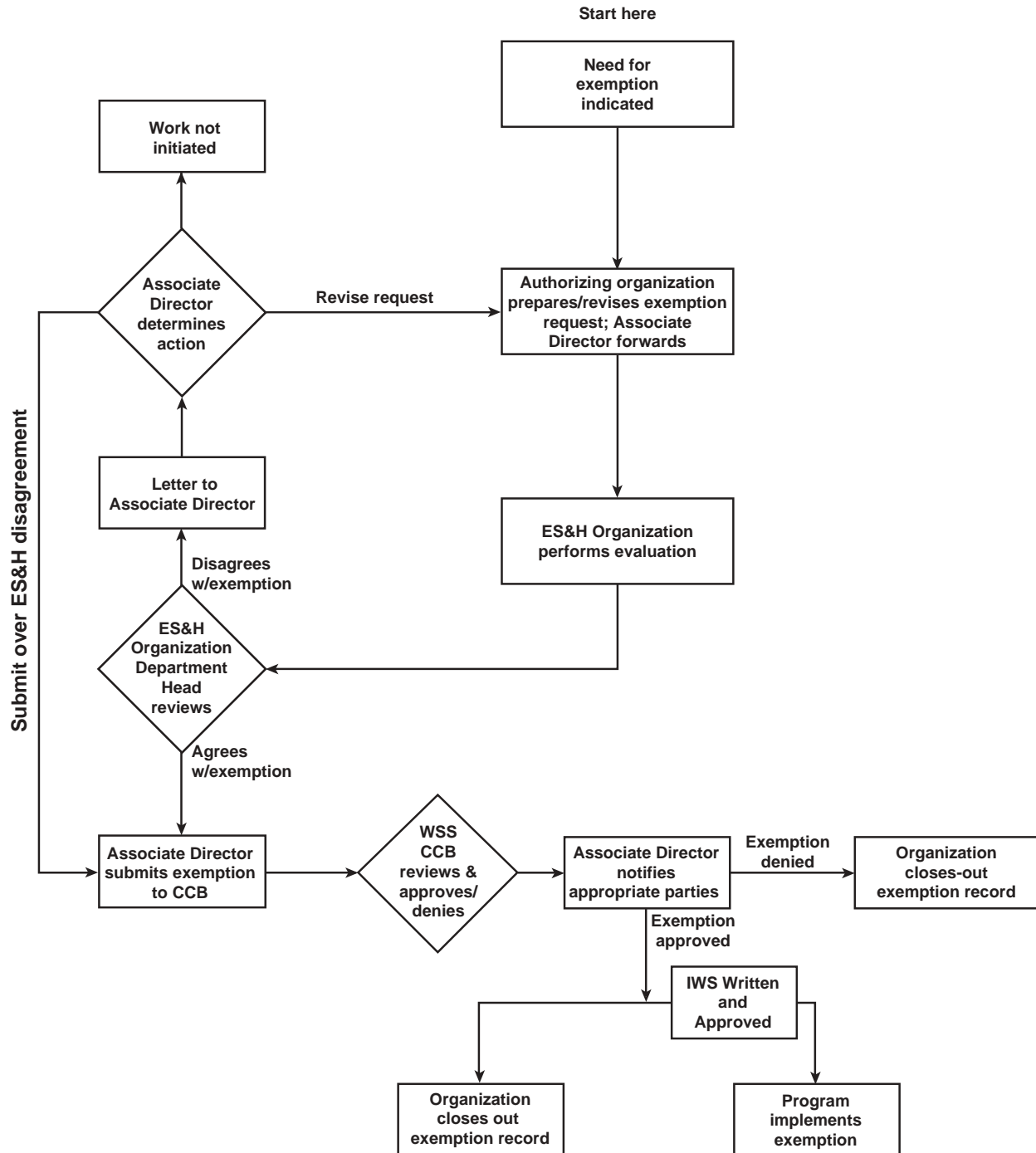


Figure 2. Typical exemption process from requirements involving the WSS Change Control Board (Section 4).

- Measures in place to provide adequate protection and to reduce the risk to an acceptable level, or the reason that equivalent measures are not required.

- The reason that the requirement is not applicable or that it may, in fact, decrease safety.
- A cost-benefit analysis, if appropriate.
- A statement of whether the hazard mitigation is equivalent and, if not, a qualitative assessment of the residual risk.
- The desired duration of the exemption or expiration date.

4.2 Review of the Exemption Request

The authorizing organization's Associate Director submits the proposed exemption to the Department head of the appropriate ES&H Department (i.e., Environmental Protection, Hazards Control, or Health Services) where a record is opened. The Department head processes the request as needed to determine if he/she can support the exemption. As a minimum this process shall involve the WSS SME.

The Department head then informs the authorizing organization's Associate Director (via a memorandum or letter) of his/her concurrence or outlines the concern(s) and reason(s) for disagreement. However, if discussions between the subject-matter expert and the authorizing organization resolve the differences, the exemption request may be resubmitted.

The authorizing organization's Associate Director decides whether to pursue the exemption request further based on the recommendation of the ES&H Department Head. If a decision is made to proceed, the Associate Director prepares a cover letter recommending approval and submits it to the LLNL member of the WSS Change Control Board (the Board), along with the recommendation from the ES&H Department Head.

4.3 Approval of the Exemption Request

The Board follows established written procedures (i.e., UCRL-AR-135510) to review and approve all exemption requests to requirements contained in non-regulatory LLNL Work Smart Standards listed in Appendix G of Contract 48 (i.e., those in WSS List B). If the Board and the DOE Contract Approving Official approves the exemption request, the authorizing organization's Associate Director is notified, in writing. The ES&H Team and cognizant Department Head are notified of the decision in writing by the authorizing organization, and the approved work controls for the activity shall be documented in an IWS or IWS/SP if required. (See Documents 2.2 and 3.3 for details on Integration Work Sheets.).

The cognizant ES&H Department maintains a copy of the approved exemption; the original is maintained by the authorizing organization. A copy of all approved or

denied exemptions is sent to the Work Smart Standard subject-matter expert by the cognizant ES&H Department Head. The ES&H organization files a copy of all approved or denied exemptions in the department files and closes out the record on this item, indicating whether the exemption has been approved or denied. The authorizing organization's Associate Director is responsible for tracking that organization's exemptions and requesting a review when necessary.

5.0 Responsibilities

5.1 Employees

Employees are responsible for being aware of and following the work controls identified in the regulations and standards, *ES&H Manual*, and LLNL safety plans and procedures. When those work controls cannot be followed, the employee shall contact his/her supervisor for guidance.

5.2 Managers and Supervisors

A manager or supervisor is responsible for addressing situations where requirements cannot be followed because of the environment, equipment limitations, research requirements, or physical limitations. When confronted with those situations, the manager or supervisor should contact the ES&H Team for guidance on possible alternatives for meeting the requirement.

The manager or supervisor should inform the next level of management of the situation if they conclude that the requirement cannot be met. Management determines whether to initiate or prepare a request for exemption or to not do the work.

5.3 Subject-matter Expert

The subject-matter expert is responsible for

- Reviewing the proposed exemption and determines
 - The validity of the request.
 - Possible alternatives to requesting an exemption (e.g., an official interpretation).
 - The adequacy of the proposed exemption and the equivalent precautions.
- Processing the proposed exemption in accordance with this document, including closing out the item.

Additionally, the designated WSS SME will determine if the exemption represents a unique situation requiring an exemption or generic change to the WSS set applicable to all work at LLNL.

5.4 ES&H Department Head

The ES&H Department Head of Hazards Control, Health Services, or Environmental Protection is responsible for

- Having the proposed exemption evaluated by the appropriate subject-matter expert.
- Reviewing the proposed exemption and the recommendation of the subject-matter expert.
- Concurring or disagreeing with the subject-matter expert's recommendations.
- Communicating his/her recommendations in writing to the authorizing organization's Associate Director.
- Maintaining a record of the exemption request resolutions.
- Communicating decisions on exemptions to the subject-matter experts and any affected programs.

5.5 Authorizing Organization's Associate Director

The authorizing organization's Associate Director is responsible for

- Reviewing requested exemptions for content.
- Retaining file copies of all exemption requests, both approved and denied.
- Monitoring expiration dates on those exemptions that have expiration dates.
- Requesting timely reviews of exemptions which require updating and cancels exemptions that are no longer valid or required.
- Recommending approval of a WSS exemption request to the Change Control Board.

5.6 Change Control Board

The Board reviews and approves exemption requests contained in non-regulatory ES&H Work Smart Standard requirements in Contract 48.

6.0 Work Standards

This document explains the exemption process for all work smart safety standards.

7.0 Other References

Change Control Board Procedures for WSS (UCRL-AR-135510).

8.0 Resources for More Information

Contact your ES&H team to assist in identifying the specific work standard(s) effected by your exemption request. See the ES&H Contact List.

Appendix A

Terms and Definitions

Authorizing organization	The Laboratory organization (e.g., directorate or group) responsible for performance of a work activity.
Change Control Board	A board that contains representatives from LLNL (serves as the Chair), the University of California, and DOE. It is responsible for: 1) approving or denying requested exemptions from the Work Smart Standards (WSS); and 2) making recommendations to the Contract 48 agreement parties on requests for changes to LLNL WSS.
Exemption	<p>There are two types of exemptions:</p> <ul style="list-style-type: none"> • Written authority to deviate from a requirement or standard. For the purpose of this document, the term <i>exemption</i> encompasses all the various terms, such as waivers, variances, and deviations, identified in rules, regulations, standards and other requirements. • Specific exemptions described and allowed by a regulation. This document does not apply to these exemptions.
Non-regulatory requirement	Any requirement adopted for use at LLNL that is not based on a regulation.
Regulation	For the purposes of this document, the term regulation includes any federal, state, or local regulations, rules, standards, ordinances, or laws.
Requirement	Any rule, order, regulation, law, policy, or contractual agreement (e.g., Contract 48) that directs or compels a specific action.
Subject-matter expert (SME)	A designated LLNL employee with knowledge and expertise relevant to the work or to one of the ES&H discipline areas.

Work Smart Standards (WSS)	The set of standards that is necessary and sufficient to meet LLNL ES&H performance expectations and objectives. The WSS provide adequate protection for workers, the public, and the environment. All work performed at LLNL and the associated hazards shall be covered by one or more of these standards.
Work Smart Standards subject-matter expert	A designated LLNL employee with knowledge and expertise relevant to the work or one of the ES&H discipline areas who selects and works with the applicable WSS.